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Letter dated 17 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Greece submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 11 July 2006 from the Permanent Representative of Greece to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In response to your letter dated 4 April 2006 regarding the implementation by Greece of resolution 1624 (2005), I wish to submit a report containing all relevant information concerning this issue (see enclosure).

(Signed) Adamantios Th. Vassilakis
Ambassador
Permanent Representative

Enclosure

Report of the Government of Greece regarding the implementation of Security Council resolution 1624/2005

In response to the questions of the Counter Terrorism Committee regarding the implementation by Greece of resolution 1624 (2005) about the non-incitement to terrorism activities please note the following:

Question 1.1

Law 3251/2004 (Official Gazette 127/A/9-7-2004) incorporates EU Framework Decision of 13 June 2002 on the European Arrest Warrant, as well as Framework Decision of 13 June 2002 on Combating Terrorism. The same Law implements to a great extent, the International Convention for the Suppression of the Financing of Terrorism which was already ratified by the Greek Parliament with L. 3034/2002, (Official Gazette 168/A/19-7-2002). In the framework of this law, and more particularly in para. 5 of Article 40 (new Article 187 A, para. 5 of the Greek Penal Code), there is reference to the legal consequences for individuals who "direct/coordinate" terrorist acts. Such individuals can be considered as "inciting" terrorist acts, and are thus punished with at least 10 years imprisonment.

Furthermore, although the Greek Penal Code does not contain special provisions criminalizing the incitement to commit terrorist acts, it contains however other relevant provisions, which can be applied in the above cases, such as:

-Article 184 of the Penal Code, which provides for a maximum of three years imprisonment for those who publicly or by any means provoke or incite others to commit a felony or misdemeanor.

-Article 185 of the Penal Code, which provides for a maximum of three years imprisonment against those who publicly or by any means glorify a criminal act that has been committed and thus, endangers public order.

-Article 186 of the Penal Code, which provides for imprisonment of at least three months for those -who provoke or incite others by any means to commit a felony, as well as those who offer themselves to or accept such provocation to incitement to commit a misdemeanor.
The above penalties are imposed unless the aforementioned acts are punished by a more severe penalty.

-Article 189 of the Greek Penal Code regarding punishment of individuals who disturb Public Peace could also be of relevance in this regard.

Question 1.2

Greece fully abides by the provisions of the Geneva Convention relating to the Status of Refugees. As regards the implementation of the exclusion clauses contained in article 1 F of the above Convention: the Greek authorities examine with the utmost caution and on an individual basis all asylum requests as well as the question of denying an individual the refugee status when there are serious reasons for

considering that he /she has committed a crime against peace, a war crime or a crime against humanity or a serious non- political crime outside the country of refuge, or has been guilty of acts contrary to the purposes and principles of the United Nations.

Notwithstanding the above, and regardless of the results of the eligibility procedure (concerning the granting of asylum), the Greek authorities fully comply with the general provisions of relevant human rights treaties, and particularly article 3 of the European Convention on Human Rights as well as article 3 of the UN Convention against Torture, which prohibit expulsion, refoulement or extradition of a person to the country of origin or to another country where there are serious reasons to believe that he/she risks being subjected to torture or other forms of ill-treatment.

Question 1.3

The competent Greek Security Authorities cooperate on regular basis with the respective authorities of other countries, including investigations of terrorist activities, which are in progress whenever it is deemed appropriate and indispensable. As regards the global fight against terrorism, Greece closely cooperates with other states in order to effectively confront terrorist activities.

With regard to the exchange of information, the competent Greek Police Authorities may exchange and share information with the corresponding authorities of third states. Exchange of information in this regard concerns confronting terrorist incidents, suspect investigation, apprehended-arrested persons and operational measures.

As far as the existing regulations on border controls for suspect individuals or persons that have allegedly committed terrorist activities we note the following :

The national Passport Control network is linked with an electronic database. Passport Control officers submit all relevant information for aliens entering Greek territory to this database, which serves as a register, as well, for all additional evidence associated with suspect individuals. This database includes inter alia, names of individuals listed in the U.N Security Council lists in accordance with the Resolutions 1267/1999, 1333/2000,1373/2001 and 1390/2002. The Hellenic Police Headquarters has established a data base of persons forbidden from entering the country. Included in this data base are the lists circulated by the UN Security Council. Effective controls are applied also on the issuance of identity papers and travel documents and additional measures have been taken to prevent counterfeiting, forgery, of fraudulent use of identity papers and travel documents. Specifically, in view of the establishment of a new central service of the Hellenic Police for the issuance of the new Hellenic passports, the Hellenic Police Laboratory is setting the technical requirements in order to achieve the most effective protection of the new passport from forgery. The said Laboratory, as the National Contact Point with INTERPOL and EUROPOL and foreign forensic laboratories and law enforcement authorities, maintains a constant flow of information and exchange of experience, leading to more effective measures of detection and suppression of counterfeiting and forgery. Moreover, the Central Unit of the PHOTOPHONE System, situated in the Hellenic Laboratory and connected with the 19 main border passport control in order to examine travel documents of disputed authenticity for examination. A concerted

effort is currently taking place in order to supply all the passport control checkpoints in the Hellenic territory with the most technologically sophisticated forgery and counterfeiting detection devices.

Question 1.4

Greece actively supports inter-cultural dialogue within all international and regional organizations and more specifically in the UN framework. Taking into consideration the challenges arising from recent demographic changes within Greek society, Greece encourages dialogue between persons of different nationalities, religions and cultures, in order to foster mutual understanding and actively promotes social integration.

Question 1.5

Greece supports all international efforts aiming at eradicating extremism and intolerance. At the national level, the Greek Constitution fully guarantees the principles of equality, non-discrimination and respect for human rights and freedoms for all individuals, including religious freedom.

Greece being a party to the UN Covenant on Civil and Political Rights seeks to implement Article 20 of that instrument, which prohibits war propaganda and incitement of national, racial or religious hatred. Greece has also enacted relevant national legislation, Law 927/1979 "on punishing acts or activities aiming at racial discrimination", which penalizes the following acts:

(a) To wilfully and publicly, either orally or by the press or by written texts or through pictures or any other means, incite to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or [by virtue of article 24 of Law 1419/1984] religion;

(b) To form or participate in organizations which intent organized propaganda or any kind of activities tending to racial discrimination;

(c) To express publicly, either orally or by the press or by written texts or through pictures or any other means offensive ideas against any individual or group of individuals on the grounds of the latter's racial or national origin or [by virtue of article 24 of Law 1419/1984] religion;

It is to be noted that Article 39 (4) of Law 2910/2001, replaced with article 71 (4) of Law 3386/2005, enables prosecuting authorities to press charges *ex officio* in the case of the abovementioned acts. The penalties provided for the above offences are the following: imprisonment for a maximum of two years and/or a fine in cases (a) and (b), imprisonment for a maximum of one year and/or a fine in cases (c).

Moreover, article 16 of Law 3304/2005 criminalizes the violation of the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or

religious or other beliefs, disability, age or sexual orientation with respect to the supply of goods or the offer of services to the public.

In the field of electronic media, article 8 (5) of Presidential Decree 100/2000 (by virtue of which Directive 97/36/EC amending Council Directive 89/552/EEC was transposed into national legislation) provides that "television stations may not broadcast programs which incite hatred between citizens on the grounds of their different race, religion, citizenship or gender." The same provision applies to radio stations (article 8 (4) of Law 2328/95), as well as subscriber radio and television stations (article 10 (1) of Law 2644/1998). Article 4 (1) (b) of the aforementioned Presidential Decree provides that State authorities, following the relevant provisions and legal procedures established by the aforementioned Directive, may order the preventive prohibition, by any technical means, of the broadcast of television programs only when "the content of those programs incites hatred among the population on the grounds of differences related to race, religion, citizenship or gender".

Article 4 (1) of the National Radio and Television Council Code of Ethics for news programs, journalistic and political programs, as ratified by virtue of Presidential Decree 77/2003, provides that the broadcasting of degrading, racist, xenophobic or sexist messages or characterizations, as well as of intolerant views is prohibited.

Directive-Recommendation 5/1998, issued by the National Radio and Television Council stresses that radio and television stations are obliged not only to avoid any provocation, but to disapprove any form of xenophobia or hate against persons belonging to any nationality.

Question 1.6

No legal restrictions exist, concerning the exchange of information with the authorities of other states, except for the information of personal nature, where the law 2472/1997 on the "Protection of Individuals with regard to the Processing of Personal Data", is applicable.

The exchange of information and generally the cooperation with foreign states, as well as the legal measures which incorporate the bilateral and multilateral agreements on police cooperation, are in full conformity with the spirit of relevant United Nations and European Union instruments.

On a more general note, Greece firmly believes that the fight against terrorism in order to be effective should be in full respect for international law, in particular human rights law, refugee law and international humanitarian law, including due process and the rule of law. In this respect Greece is a party to all major international instruments in the field of human rights and humanitarian law, including the European Convention on Human Rights and most of its Protocols, as well as the UN International Covenant on Civil and Political Rights and its Optional Protocols. The Greek authorities make every effort to implement the provisions of these Conventions and the jurisprudence of the European Court on Human Rights.